


PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jahangir S. Rastegar
Serial No.: 09/517,434
Filed: March 2, 2000
For: APPARATUS FOR ISOLATION OF PAYLOADS
WITH LOW TRANSMISSIBILITY

Examiner: Unassigned
Art Unit: 3632
Docket: 13285
Dated: July 7, 2000



Assistant Commissioner for Patents
Washington, DC 20231

STATEMENT OF FACT
IN SUPPORT OF FILING ON BEHALF OF NON-SIGNING INVENTOR

Sir:

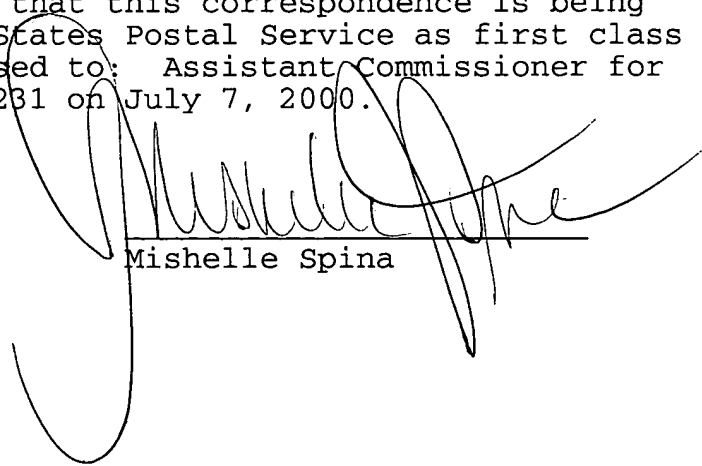
I, Thomas Spinelli, declare and state as follows:

1. On February 25, 2000, a finalized copy of the present application (hereinafter "the 13285 application"), a Declaration, and a letter instructing the named inventors to review the application and execute the Declaration was sent to

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231 on July 7, 2000.

Dated: July 7, 2000



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all of the inventors. A copy of the letter to Ronald D. Rothchild (hereinafter Dr. Rothchild) is attached hereto as Exhibit A. The Declaration listed Ronald D. Rothchild, Jahangir S. Rastegar and Farshad as co-inventors of the subject matter claimed therein.

2. Shortly thereafter, Dr. Rothchild informed me by letter of February 29, 2000, a copy of which is attached hereto as Exhibit B, that he was busy with other projects and needed time to review the application.

3. On March 2, 2000, the present application, 13285 was filed in the United States Patent and Trademark Office without a Declaration.

4. On March 15, 2000, I received a letter from Dr. Rothchild dated March 9, 2000 (hereinafter "the March 9th letter") in which Dr. Rothchild objected to the inventorship of the 13285 application. A copy of the March 9th letter is attached hereto as Exhibit C. In the March 9th letter, Dr. Rothchild argued that he should be the sole inventor of the 13285 application. Dr. Rothchild also argued in the March 9th letter that relevant prior art was not cited in the background section of the 13285 application. Furthermore, Dr. Rothchild asserts in the March 9th letter that the application seeks to patent "public-domain engineering know-how".

5. Shortly after receiving the March 9th letter, I telephoned Dr. Rothchild to discuss the same. With regard to inventorship, Dr. Rothchild reiterated his argument that he is the sole inventor of the 13285 application. After a lengthy discussion, the inventorship problem was not resolved. With regard to the prior art, I assured Dr. Rothchild that an Information Disclosure Statement would be filed listing any relevant prior art. I also gave Dr. Rothchild the opportunity to send me any prior art which he felt was material to the patentability of the claims of the 13285 application. The assertion by Dr. Rothchild that the application seeks to patent public domain engineering know-how is unfounded, contradictory to his claim of being the sole inventor, presumably based on a failure to understand patent claims.

6. Shortly thereafter, in a second telephone conversation between myself and Dr. Rothchild, I informed Dr. Rothchild that I would like to conduct an inquiry into the inventorship and in connection therewith like to interview him regarding such. Dr. Rothchild was not receptive to this inquiry.

7. On June 2, 2000, a second letter (the June 2nd letter), a copy of which is attached hereto as Exhibit D, was sent to Dr. Rothchild informing him of his duty to join in the application under an Employee Confidentiality Agreement. In

the June 2nd letter, Dr. Rothchild was also told of my upcoming inquiry as to the inventorship of the 13285 application and given an opportunity to participate in the same.

8. On June 5, 2000, I met with the remaining joint inventors, Jahangir S. Rastegar and Farshad Khorrami, and separately interviewed them regarding the inventorship of the 13285 application.

9. On June 27, 2000, I was forwarded a letter (dated June 14, 2000) from Dr. Rothchild, a copy of which is attached hereto as Exhibit E, in which Dr. Rothchild states his refusal to participate in an inquiry as to the inventorship of the 13285 application unless he receives a retainer in advance. I am informed by OmniTek Corporation that no retainer is due to Dr. Rothchild in connection with the preparation of the patent application in question.

10. On July 6, 2000, I issued an opinion as to the inventorship of the 13285 application based on the interviews described in paragraph 8. A copy of this opinion is attached hereto as Exhibit F. In the opinion I conclude that Ronald D. Rothchild, Jahangir S. Rastegar and Farshad Khorrami are properly named as joint inventors of the claimed subject matter of the 13285 application.

11. Dr. Rothchild's last known address is:

Ronald D. Rothchild, Sc.D.
33 Laurie Boulevard
Bethpage, New York 11714

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punished by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: July 7, 2000


Thomas Spinelli
Registration No. 39,533

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TS:cm
Encl. (Exhibits A-F)